

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARA Z. UNDERWOOD, M.D.,	:	CASE NO. 02-CV-2714
	:	
Plaintiff	:	
	:	
v.	:	
	:	
THE PAUL REVERE INSURANCE GROUP,	:	
and its successor, agent or assign	:	
THE UNUM PROVIDENT CORPORATION,	:	
	:	
and	:	
	:	
THE PENN MUTUAL LIFE INSURANCE	:	
COMPANY,	:	
	:	
and	:	
	:	
CIGNA GROUP INSURANCE & LIFE	:	
INSURANCE COMPANY OF NORTH	:	
AMERICA,	:	
	:	
Defendants	:	
	:	

**AMENDED SCHEDULING ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, **IT IS ORDERED** as follows:

1. All fact discovery shall be completed by February 19, 2003. Parties shall decide and agree among themselves upon dates for submissions of experts' reports.
2. Additional parties, if any, must be joined within the time specified in Local RCP 14.1.
3. Any amendments to the pleadings shall be such as not to delay the completion of discovery or the commencement of trial.

4. All dispositive motions shall be filed no later than March 10, 2003. Either party is permitted to file a motion for summary judgment pursuant to FRCP 56. I would prefer, however, that a party without the burden of proof on a claim, file a motion for accelerated judgment in accordance with the attached "Brody Directive."

5. The parties shall schedule a settlement conference before United States Magistrate Judge Diane Welsh on or about February 4, 2003. Unless an exception is granted in advance, Judge Welsh will require that lead counsel and parties with full settlement authority attend the conference.

6. Final pre-trial memoranda shall be filed pursuant to Local RCP 16.1(c) and shall contain all items listed in that rule. The time for filing final pre-trial memoranda is as follows:

Plaintiff shall file by March 28, 2003.

Defendant shall file by April 7, 2003.

7. In addition to the above, in a jury trial, each party is required to submit the following in conjunction with the pre-trial memoranda:

- a trial memoranda on the legal issues in the case;
- proposed voir dire questions (limited to 15 questions);
- proposed jury instructions (one point per page). Failure to submit proposed jury instructions may result in the forfeiture of a right to object to omissions in the jury charge;
- proposed jury interrogatories; and
- any motions in limine.

In addition to items in ¶6 above, in non-jury cases, each party shall file:

- a trial memorandum on the legal issues in the case;
- proposed findings of fact and conclusions of law; and
- any motions in limine.

8. A final pre-trial conference will be scheduled when counsel are notified of the precise date and time of trial. In preparation for the final pre-trial conference, counsel are expected to communicate with each other on the following matters in an effort to reach agreement. At the final pre-trial conference, counsel must be prepared to present a report on the following matters:

- (a) agreed upon and disputed facts;
- (b) objections to any proposed witnesses;
- (c) objections to any proposed exhibits (including objections to genuineness and authenticity);
- (d) objections to any depositions to be read at trial;
- (e) disputed legal issues;
- (f) amendments to pleadings;
- (g) stipulated to and disputed points for charge;
- (h) verdict sheet and special interrogatories; and
- (i) number of days required for trial.

9. Absent extraordinary circumstances, a party will be prohibited from offering in its case in chief a witness or exhibit not listed in its final pre-trial memorandum.

10. Three copies of the schedules of exhibits and, if practicable, two copies of the exhibit itself shall be prepared for use at trial.

11. This case will be placed into the trial pool on April 11, 2003 or as soon thereafter as all dispositive motions have been decided.

REMINDER: Counsel must submit to chambers a courtesy copy of all papers filed with the Clerk. The courtesy copy may be submitted either as two hard copies accompanied by a 3" floppy disc or, as an alternative, the courtesy copy may be submitted solely as an attachment to an e-mail.

- If the case number ends in 1, 4 or 7, e-mail to: shannon\_quill@paed.uscourts.gov
- If the case number ends in 2, 5, or 8, e-mail to: jonathan  
lloyd@paed.uscourts.gov
- If the case number ends in 3, 6, or 9, e-mail to: Lesley\_wolf@paed.uscourts.gov
- If the case number ends in 0, e-mail to:

chambers\_of\_judge\_anita\_b\_brody@paed.uscourts.gov

All submissions directed to chambers must also be filed with the Clerk of the Court to assure proper docketing.

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Anita B. Brody, J.

Chambers Fax: 215-580-2356

XC: Hon. Diane Walsh

Copies FAXED on \_\_\_\_\_ to:      Copies MAILED on \_\_\_\_\_ to:  
Stephen P. Pazan, Esquire  
Kathryn R. Renahan, Esquire  
Mark C. Stephenson, Esquire